

05/22/2019

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JULIA C. DUDLEY, CLERK
BY: *H. Wheeler*
DEPUTY CLERK

CYNTHIA B. SCOTT, *ET AL.*,

Plaintiffs,

v.

HAROLD W. CLARKE, *ET AL.*,

Defendants.

CASE No. 3:12-cv-00036

AMENDED INJUNCTION

SENIOR JUDGE NORMAN K. MOON

In accordance with the Court's post-trial Findings of Fact and Conclusions of Law (dkt. 544) as supplemented with additional findings of fact and conclusions of law filed this day, it is **ORDERED** as follows:

- 1) Plaintiffs' Motion to Alter or Amend Judgment Pursuant to Fed. R. Civ. P. 59(e) (dkt. 554) is **GRANTED IN PART** to the extent the January 2, 2019 Injunction (dkt. 545) is altered or amended by this Amended Injunction and is **DENIED IN PART** in all other respects.
- 2) Defendants' Motion Pursuant to Rule 59(e) (dkt. 556) is **GRANTED IN PART** to the extent the January 2, 2019 Injunction (dkt. 545) is altered or amended by this Amended Injunction and is **DENIED IN PART** in all other respects.
- 3) Pursuant to Federal Rule of Civil Procedure 65(d)(1)(A), this Amended Injunction is issued for the reasons set forth in the Court's original and additional findings of fact and conclusions of law: namely, the Court has jurisdiction to enforce the terms of the parties' Agreement to provide for constitutionally adequate medical care, and Defendants are in violation of those terms.

IT IS FURTHER ORDERED that the Court's January 2, 2019 Injunction (dkt. 545) is **ALTERED AND AMENDED** as follows:

- 4) Paragraph 5a. of the Injunction (dkt. 545) is amended to read: “consistently staff the Medical Department at FCCW with at least the equivalent of seventy-eight (78) full-time personnel (certified and noncertified medical personnel), including at least the equivalent of twenty-nine (29) full-time registered nurses. Defendants shall document their daily staffing levels and make such document(s) available to the compliance monitor.”
- 5) Paragraph 5b. of the Injunction (dkt. 545) is amended to read: “train FCCW nurses, and any other individuals who administer, order or manage medications to or for Plaintiffs, on how and when to reorder or refill medications to ensure a continuity of supply.”
- 6) Paragraph 5c. of the Injunction (dkt. 545) is amended to read: “train FCCW nurses on the importance of, and how to, accurately record or chart the administration of medication, as well as a patient’s vital signs, including but not limited to weight and pulse rate.”
- 7) Paragraph 12 of the Injunction is revised by the addition of the following sentence: “For the purposes of the requirements of this paragraph, “grievances” shall mean all levels of the grievance process, including informal complaints and emergency grievances.”
- 8) This Amended Injunction takes effect immediately upon its entry provided that Defendants shall have 45 days from the date of entry to comply with the requirements of Injunction Paragraph 5a., as amended herein. The Settlement Agreement remains in effect. The January 2, 2019 Injunction (dkt. 545) remains in effect except as altered or amended herein.

ENTERED this 22nd day of May, 2019.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE